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PROCLAMATIONS • PROKLAMASIES

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**PROCLAMATION NO. R. 60 OF 2019**

by the  
President of the Republic of South Africa

**COMMENCEMENT OF THE REFUGEES AMENDMENT ACT, 2008 (ACT NO. 33 OF 2008)**

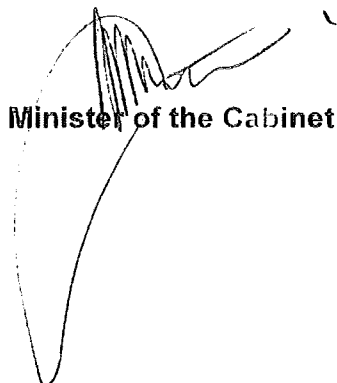
In terms of section 34 of the Refugees Amendment Act, 2008 (Act No. 33 of 2008), I hereby determine 1 January 2020 as the date on which the said Act come into operation.

Given under my Hand and the Seal of the Republic of South Africa at.....*Pretoria*..... on this...*12*... day of...*December*... Two Thousand and Nineteen.



**President**

By Order of the President-In-Cabinet



**Minister of the Cabinet**

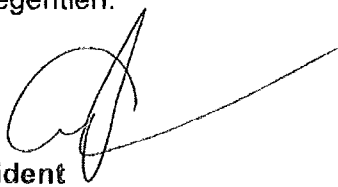
**PROKLAMASIE NO. R. 60 VAN 2019**

deur die  
President van die Republiek van Suid-Afrika

**INWERKINGTREDING VAN DIE WYSIGINGSWET OP VLUGTELINGE,  
2008 (WET NO. 33 VAN 2008)**


Ingevolge artikel 34 van die Wysigingswet op Vlughtelinge, 2008 (Wet No. 33 van 2008) bepaal ek hiermee 1 Januarie 2020 as die datum waarop die genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te  
Pretoria..... op hierdie 12 Desember dag van Tweeduisend  
en Negentien.



President

Op las van die President-in-Kabinet



Minister van die Kabinet

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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF HOME AFFAIRS**

NO. R. 1707

27 DECEMBER 2019

**REFUGEES ACT, 1998 (ACT NO. 130 OF 1998)  
REFUGEES REGULATIONS**

I, Dr P A Motsoaledi, the Minister of Home Affairs has, in terms of section 38 of the Refugees Act, 1998 (Act No. 130 of 1998), made the Regulations in the Schedule.

**SCHEDULE****Definitions**

1. In these Regulations a word or expression to which a meaning has been assigned in the Act bears the meaning so assigned and unless the context otherwise indicates—

**“appeal determination”** means a determination by the Refugee Appeals Authority in accordance with section 8C(2) of the Act, either based on oral evidence following an inquisitorial process, or determined on the papers comprising the application for appeal, or both;

**“appellant”** means a person who, within the stipulated period referred to in regulation 16(1)(a), lodges an appeal to the Refugee Appeals Authority in terms of section 24B(1), based on the outcome of the determination hearing;

**“educational institution”**, in relation to asylum seekers, means a school as defined in the South African Schools Act, 1996 (Act No. 84 of 1996) where basic education is offered;

**“foreigner”** means any person who is not a citizen of the Republic;

**“health establishment”** means a health establishment contemplated in section 5 of the Mental Health Care Act, 2002 (Act No. 17 of 2002);

**“Hearing before Refugee Status Determination Officer”** means one or more interviews between an asylum seeker and a Refugee Status Determination Officer which is recorded either digitally or otherwise, and which is intended to determine whether or not the applicant may be granted refugee status in the Republic as contemplated in section 24(3) of the Act;

**“Identification Act”** means the Identification Act, 1997 (Act No. 68 of 1997);

**“marriage certificate”**, for purposes of these regulations, means a certificate issued after a marriage is recorded on the National Population Register in accordance with the laws governing marriages in the Republic;

“**notarial agreement**” means a formal written agreement entered into by two parties to a monogamous homosexual or heterosexual relationship setting out the terms of their relationship and which is notarized by a South African Notary Public;

“**paternity test**” means a test conducted, using the deoxyribonucleic acid (DNA) of a mother, child and father, to establish whether or not a man or woman is the biological father or mother of such child;

“**person with mental disability**” means a person who suffers from mental illness as defined in the Mental Health Care Act, 2002 (Act No. 17 of 2002);

“**South African Passport and Travel Documents Act**” means the South African Passport and Travel Documents Act, 1994 (Act No. 4 of 1994);

“**the Act**” means the Refugees Act, 1998 (Act No. 130 of 1998); and

“**unaccompanied child**” means a child under the age of 18 who is not accompanied by his or her biological parents or adoptive parents or legal guardian.

#### **Authenticity and termination of marriage**

2. (1) The existence of a marriage contemplated in paragraph (b) of the definition of “spouse” in section 1 of the Act must be proved, to the satisfaction of the Director-General, by a party to that marriage.

(2) In determining the authenticity of a marriage declared at the time of making an application for asylum, the Refugee Status Determination Officer or any other authorised official of the Department must—

- (a) authenticate the marriage certificate; and
- (b) conduct an interview with both the parties to the marriage to ascertain the existence of a genuine marriage relationship.

(3) Notwithstanding subregulation 2(a), where a marriage was concluded outside of the Republic, and where an original marriage certificate is unavailable, the parties to such a marriage shall submit an affidavit indicating the vital details of their marriage, including the date and place of the solemnisation of the marriage, prior to being interviewed as contemplated in subregulation 2(b).

(4) When conducting the interview contemplated in subregulation 2(b) both parties must be interviewed separately, on the same date, by the same Refugee Status Determination Officer or other authorized official to determine the existence of a genuine marriage relationship, and the outcome of such interviews shall, notwithstanding the production of an authentic marriage certificate or affidavit, be regarded as definitive for the purposes of the relevant application.

(5) Either spouse to a marriage must—

- (a) in the case of divorce, submit a copy of the divorce order; or
- (b) in the case of death, submit a copy of the death certificate,



in person to the Refugee Reception Office within six months of the occurrence of the relevant event, failing which any dependant spouse may be dealt with as an illegal foreigner in terms of the provisions of the Immigration Act.

(6) Any person contemplated in section 21B(4) of the Act may, upon providing the notification as required in subregulation (5), forthwith apply to continue to remain in the Republic for a period coinciding with the remaining period of his or her asylum seeker visa or certificate of refugee status and in accordance with Form 2 (DHA-1590) and must forthwith, notwithstanding the provisions of section 21(1)(a) of the Act,—

- (a) apply in person for asylum at the Refugee Reception Office where his or her asylum seeker visa or certificate of refugee status was issued; or
- (b) depart the Republic,

failing which such person must be dealt with as an illegal foreigner in terms of the provisions of the Immigration Act.

(7) Both parties to a marriage who have been issued with an asylum seeker visa or granted refugee status in terms of the Act must, at the renewal of his or her asylum seeker visa or refugee status, as the case may be, inform the Refugee Status Determination Officer whether or not the marriage still exists by submitting to the Refugee Status Determination Officer an affidavit on a Form substantially corresponding to Form 1 contained in the Annexure.

### **Authenticity and notification of termination of permanent homosexual or heterosexual relationship**

3. (1) The existence of a permanent homosexual or heterosexual relationship contemplated in paragraph (b) of the definition of “spouse” in section 1 of the Act must be proved, to the satisfaction of the Director-General, by a party to that relationship.

(2) The onus rests with any person claiming a permanent homosexual or heterosexual relationship to produce evidence of the existence of such permanent relationship in regard to subregulation (1).

(3) In determining the authenticity of a permanent homosexual or heterosexual relationship declared at the time of submitting an application for asylum, the Refugee Status Determination Officer or any other authorized official of the Department must—

- (a) authenticate the notarial agreement signed by both parties; and
- (b) conduct an interview with both parties to the relationship to determine the existence of a genuine permanent relationship.

(4) When conducting the interview contemplated in subregulation 3(b) both parties must be interviewed separately, on the same date, by the same Refugee Status Determination Officer or other authorized official and the determination made arising from such interview, shall,

notwithstanding the production of an authentic notarial agreement, be definitive for the purposes of the relevant application.

(5) Both parties to a homosexual or heterosexual relationship who have been issued with an asylum seeker visa or granted refugee status in terms of the Act must, at the renewal of his or her asylum seeker visa or refugee status, as the case may be, inform the Refugee Status Determination Officer whether or not the good faith relationship still exists by submitting to the Refugee Status Determination Officer an affidavit on a Form substantially corresponding to Form 1 contained in the Annexure.

(6) Either party to a permanent homosexual or heterosexual relationship must—

- (a) in the case of termination of relationship, submit an affidavit indicating that the relationship has been terminated; and
- (b) in the case of death, submit a copy of the death certificate, in person to the Refugee Reception Office within six months of the occurrence of the relevant event.

(7) The provisions of regulation 2(6) shall apply *mutatis mutandis* to a dependent spouse in a permanent heterosexual or homosexual relationship.

#### **Cessation of refugee status**

4. (1) The circumstances as contemplated in section 5(1)(a) of the Act in terms of which a person may be deemed to have re-availed himself or herself of the protection of the country of his or her origin, nationality or residence shall, amongst others, relate to where such person voluntarily—

- (a) seeks consular services at any diplomatic mission representing his or her country of origin or nationality;
- (b) applies for any assistance or official document, such as a travel document or citizenship related document, at any diplomatic mission representing his or her country of origin or nationality whether in the Republic or any other country;
- (c) avails himself or herself of any assistance of any State official or State institution associated with or in his or her country of origin or nationality;
- (d) presents himself or herself on the premises of any diplomatic mission representing his or her country of origin or nationality in the Republic or in any other territory;
- (e) travels abroad other than with a refugee travel document issued in terms of section 31 of the Act;
- (f) applies for and receives any benefit afforded to citizens of his or her country of nationality;
- (g) stands for political office or votes in any election in respect of his or her country of nationality, without the approval of the Minister;

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- (h) whether through a port of entry of or irregularly enters the territory of his or her country of origin or nationality or countries where he or she previously resided prior to entering the Republic to apply for asylum or takes measures or prepares to do so;
- (i) participates in any political campaign or activity related to his or her country of origin or nationality whilst in the Republic without the permission of the Minister; or
- (j) travels abroad in violation of the conditions endorsed on his or her refugee travel document.

(2) No refugee or asylum seeker may participate in any political activity or campaign in furtherance of any political party or political interests in the Republic.

(3) The Standing Committee may withdraw the refugee status of any person who participated in any political activity or campaign in furtherance of any political party or political interests in the Republic, or who has been found to have acted as contemplated in subregulation (1).

(4) Any person whose refugee status has been withdrawn shall be dealt with as an illegal foreigner in terms of the provisions of the Immigration Act.

**Standing Committee for Refugee Affairs**

5. (1) The Standing Committee may determine its own procedure and make its own rules which may not be in conflict with the provisions of the Act.

(2) Rules made under subregulation (1) must be published in the *Gazette*.

(3)(a) The Standing Committee must determine—

- (i) the conditions under which qualifying asylum seekers may be employed or study; and
- (ii) the sectors within which an asylum seeker is not permitted to work or study, in the Republic whilst awaiting the outcome of his or her application for asylum.

(b) The Standing Committee may, from time to time, publish in the *Gazette* the list of sectors in which asylum seekers may not be employed or study.

**Integrity measures**

6. (1) All members and administrative staff of the Standing Committee, Refugee Appeals Authority and all members of staff at any Refugee Reception Office, including persons who perform any function in such Office, but who are not employed by the Department, must—

- (a) at the request of the Director-General, submit themselves to—
  - (i) any interview relating to establishing integrity; or
  - (ii) an interview arising from a reasonable suspicion of undue gratification, fraud, corruption or any crime of which dishonesty is an element;
- (b) complete any disclosure form required, which disclosure shall be updated from time to time; and

(c) from time to time, as determined by the Director-General, submit to a polygraph test.

(2) When gathering information contemplated in section 20A(2)(a) of the Act in order to establish the integrity of a person as contemplated in section 20A(1) of the Act, such person will be required to disclose, to a duly authorised person, information regarding his or her—

- (a) interview, conduct, association or consultation with any person during the course of his or her tenure with the Department;
- (b) assets, liabilities, gifts, donations, loans or any benefits received or derived during such tenure;
- (c) involvement with or implication in any criminal act, matter or investigation or any pending criminal case or conviction; and
- (d) any pending or finalised civil judgment.

(3) Any information on personal finances, gifts or health records and history related to members of staff, and their family in relation to terminal health, at any Refugee Reception Office or members of the Standing Committee and Refugee Appeals Authority, shall be held securely and may only be accessed by the Director-General, an authorised official of the Department, an officer of the South African Police Service or any other authorised law enforcement officer.

(4) The Director-General must—

- (a) take the necessary steps to ensure that any information gathered in accordance with this regulation, including the information contemplated in section 20A(2) of the Act, is stored in such a secure manner as would preclude access to such information by a person or authority other than those referred to in section 20A(3)(b) of the Act, read with subregulation (3); and
- (b) keep, maintain and safeguard the information obtained in accordance with this regulation.

(5) The records contemplated in this regulation, read with section 20A of the Act, shall be stored for the duration of employment of any concerned member of staff at any Refugee Reception Office or members of the Standing Committee and Refugee Appeals Authority and shall be archived within 5 years of the member leaving the employ of the Department, the Standing Committee or the Refugee Appeals Authority.

#### **Asylum transit visa**

7. Any person who intends to apply for asylum must declare his or her intention, while at a port of entry, before entering the Republic and provide his or her biometrics and other relevant data as required, including—

- (a) fingerprints;
- (b) photograph;
- (c) names and surname;

- (d) date of birth and age;
- (e) nationality or origin; and
- (f) habitual place of residence prior to travelling to the Republic.

and must be issued with an asylum transit visa contemplated in section 23 of the Immigration Act.

#### **Application for asylum**

**8.** (1) An application for asylum in terms of section 21 of the Act must—

- (a) be made in person by the applicant upon reporting to a Refugee Reception Office or on a date allocated to such a person upon reporting to the Refugee Reception Office;
- (b) be made in a form substantially corresponding with Form 2 (DHA-1590) contained in the Annexure;
- (c) be submitted together with—
  - (i) a valid asylum transit visa issued at a port of entry in terms of section 23 of the Immigration Act, or under permitted circumstances, a valid visa issued in terms of the Immigration Act;
  - (ii) proof of any form of a valid identification document: Provided that if the applicant does not have proof of a valid identification document, a declaration of identity must be made in writing before an immigration officer; and
  - (iii) the biometrics of the applicant, including any dependant.

(2) Any person who submits a visa other than an asylum transit visa issued in terms of section 23 of the Immigration Act must provide proof of change of circumstances in the period between the date of issue of the visa and the date of application for asylum.

(3) Any person who upon application for asylum fails at a Refugee Reception Office to produce a valid visa issued in terms of the Immigration Act must prior to being permitted to apply for asylum, show good cause for his or her illegal entry or stay in the Republic as contemplated in Article 31(1) of the 1951 United Nations Convention Relating to the Status of Refugees.

(4) A judicial officer must require any foreigner appearing before the court, who indicates his or her intention to apply for asylum, to show good cause as contemplated in subregulation (3).

(5) An applicant must indicate his or her language of proficiency on Form 2 (DHA-1590), which language will be presumed to be the language which the applicant understands.

(6) All information contained on Form 2 (DHA-1590) or any documentation submitted together with, or in support of, the application for asylum, is binding on the applicant and may not be amended.

(7) A Refugee Status Determination Officer may require any person who made an assertion in his or her application for asylum, to furnish him or her with proof or corroboration of the correctness of the assertion.

(8) If at any stage a Refugee Status Determination Officer reasonably suspects that a child, who has been declared a dependant in any application for asylum, has been trafficked or smuggled into the Republic, he or she may require proof of relationship in the form of the results of a paternity test, and must refer such child to into the care of a representative of the Department of Social Development.

(9) Any person who fails to declare a dependant child as contemplated in section 21(2A) and subsequently returns to the Refugee Reception Office to make a claim in terms of section 3(c) of the Act on behalf of such dependant child, he or she shall be required to provide proof of relationship in the form of the results of a paternity test, failing which, such child shall be dealt with as an unaccompanied child as contemplated in regulation 10.

(10) When required to do so by a Refugee Status Determination Officer, the principal asylum seeker or a dependant must provide proof of their relationship.

(11) Each dependant included on an asylum application shall be issued an asylum seeker visa and must comply with the terms of the visa.

(12) Any dependant of an asylum seeker contemplated in section 3(c) of the Act must appear in person for a hearing before a Refugee Status Determination Officer.

#### **Abandoned application**

**9.** (1) The endorsement by the Standing Committee of an application as an abandoned application as contemplated in section 22(12) of the Act must be made on Form 3 contained in the Annexure.

(2) The Refugee Reception Office Manager shall refer or cause an abandoned application to be referred following an endorsement by the Standing Committee as contemplated in subregulation (1), to an immigration officer to deal with such a person as contemplated in section 22(13) of the Act.

(3) Compelling reasons as contemplated in section 22(12) of the Act shall relate to—

- (a) entry into a Witness Protection Programme;
- (b) quarantine;
- (c) arrest without bail; or
- (d) any other similar compelling reasons,

and must be supported by documentary evidence.

#### **Unaccompanied child and person with mental disability**

**10.** (1) An unaccompanied child must forthwith be referred to the Department of Social Development to be assisted in accordance with the provisions of the Children's Act, 2005 (Act No. 38 of 2005), and where necessary, after an investigation by a social worker into the status and circumstances of the child, may be assisted by a person appointed by the Children's court to act on

behalf of such child to apply for asylum where such person is a person envisaged in section 3 of the Act.

(2) Where it is apparent from the circumstances that an unaccompanied child is an asylum seeker as contemplated in section 3 of the Act, an asylum seeker visa shall be issued and handed to the representative of the Department of Social Development, in whose care such child is entrusted.

(3) A person with a mental disability contemplated in section 21A(2) of the Act must forthwith be referred a relevant health establishment to be assisted in terms of the Mental Health Care Act, 2002, and where necessary, after an investigation by a representative of the health establishment into the status and circumstances of the person with mental disability, may be assisted by a next-of-kin or person appointed by the competent court to apply for asylum where such person is a person envisaged in section 3 of the Act.

(4) Where unless it is apparent from the circumstances that a person contemplated in subregulation (3) is an asylum seeker as contemplated in section 3 of the Act, an asylum seeker visa shall be issued and handed to the representative of the health establishment, in whose care such a person is entrusted.

(5) The Director-General must, on referral of an unaccompanied child or a person with mental disability to the Department of Social Development or the relevant health establishment, record the name of the official who received the child or person with mental disability, in the register contemplated in subregulation (6).

(6) The Director-General must keep a register of unaccompanied children and persons with mental disability who are referred to the Department of Social Development or any relevant health establishment, as the case may be.

(7) Any person claiming to be an adoptive parent or legal guardian of a child must provide proof of relationship to the satisfaction of the Director-General.

#### **Termination of dependency of children of asylum seekers and refugees**

**11.** (1) Any person contemplated in section 21B(3A) of the Act must within six months of the termination of dependency, and notwithstanding the provisions of section 21(1)(a), apply in person for asylum at the Refugee Reception Office where his or she asylum seeker visa was issued.

(2) Any person contemplated in section 21B(3) of the Act must, within six months of termination of dependency, apply to the Refugee Status Determination Officer, on a Form substantially corresponding to Form 4 contained in the Annexure, to be permitted to continue to remain in the Republic for a period coinciding with the remaining period of his or her certificate of refugee status, and must forthwith apply for asylum, notwithstanding the provisions of section 21(1)(a) of the Act.

(3) Any person who fails to apply as contemplated in subregulation (1) or (2) or whose application has been refused must forthwith depart the Republic, failing which such person must be dealt with as an illegal foreigner in terms of the Immigration Act.

#### **Asylum seeker visa**

**12.** (1) A visa in terms of section 22 of the Act shall be issued to an applicant on a Form substantially corresponding to Form 5 contained in the Annexure.

(2) A visa contemplated in subregulation (1) shall contain—

- (a) the conditions upon which asylum seekers may—
  - (i) temporarily reside in the Republic; and
  - (ii) where appropriate, seek employment and obtain basic education; and
- (b) the obligations and rights of the holder thereof;
- (c) a requirement for the applicant to appear in person for each scheduled appointment; and
- (d) the consequences of failure to comply with any of the conditions of the visa or instructions issued by the Refugee Status Determination Officer or any other authorised official of the Refugee Reception Office.

(3) An asylum seeker visa may be issued to a failed asylum seeker upon service of a notice of motion indicating an application for judicial review: Provided that such visa may be issued for a period not exceeding 30 days at a time.

(4) An asylum seeker must at all times be in possession of the original visa, issued in terms of section 22 of the Act, as proof of his or her legal status in the Republic.

(5) Prior to issuing any right to seek employment to any asylum seeker, an assessment contemplated in section 22(6) of the Act must be completed on a Form substantially corresponding to Parts A3 and B3 of Form DHA-1590 contained in the Annexure to establish such person's ability to sustain himself or herself and any dependants.

(6) The letter of employment contemplated in section 22(9) of the Act shall be on a Form substantially corresponding to Form 6 contained in the Annexure.

(7) The letter of enrolment at an educational institution contemplated in section 22(9) of the Act shall be on a Form substantially corresponding to Form 7 contained in the Annexure.

(8) Any extension of an asylum seeker visa must be made at the Refugee Reception Office where the application was submitted.

#### **Withdrawal of asylum seeker visa**

**13.** (1) The Director-General must, before withdrawing an asylum seeker visa as contemplated in section 22(5) of the Act—

- (a) notify the asylum seeker in question, in writing, of his or her intention to withdraw such visa;



- (b) provide the asylum seeker with reasons, in writing, for such withdrawal; and
  - (c) notify the asylum seeker of his or her right to make written representations within seven working days of receipt of the notification contemplated in paragraph (a).
- (2) The Director-General must, after consideration of the representations referred to in subregulation 2(c), in writing; furnish the asylum seeker with the final decision regarding the withdrawal of the asylum seeker visa.
- (3) The Director-General must withdraw an asylum seeker visa following an order by the Minister contemplated in section 28(2) of the Act and, notwithstanding the provisions of any other law, forthwith facilitate the removal of such asylum seeker from the Republic.

#### **Hearing before Refugee Status Determination Officer**

14. (1) Except for cases decided under section 35(1) of the Act, any application for asylum must be determined after an interview before the Refugee Status Determination Officer.
- (2) An applicant for asylum must, on any specified date and time, report in person for an interview before the Refugee Status Determination Officer in respect of his or her application.
- (3) The Refugee Status Determination Officer must, before the commencement of any hearing, inform the asylum seeker of the procedure to be followed in considering his or her application for asylum.
- (4) The proceedings of any interview must be recorded.
- (5) During the interview, the Refugee Status Determination Officer may—
- (a) require further information, evidence or clarification from the asylum seeker; and
  - (b) require further information, evidence, clarification or corroboration from any other relevant person, body or source.
- (6) In deciding the application, the Refugee Status Determination Officer—
- (a) must test any claim made by an applicant for asylum against any information, evidence, research or documents at the disposal of the Refugee Status Determination Officer;
  - (b) must determine and record the outcome of the application in accordance with section 24(3) of the Act; and
  - (c) may obtain legal advice, where necessary;
  - (d) may consider the decisions of the Standing Committee and Refugee Appeals Authority; or
  - (e) may consider any other relevant information.
- (7) The record of the interview and a copy of the reasons referred to in section 24(3)(b) of the Act must, within five working days of the date of rejection, be submitted to the Standing Committee for review in terms of section 24A of the Act.

(8) Any asylum seeker must report in person to the Refugee Reception Office where his or her application for asylum was made, to receive, in writing, the outcome of his or her application.

#### **Review of applications**

**15.** (1) The Standing Committee must, in terms of section 24A(4) of the Act—

- (a) inform the Refugee Reception Office concerned of its decision contemplated in section 24(3)(b) of the Act; and
- (b) record such decision on the relevant system used for the management of asylum seekers and refugees on a Form substantially corresponding to Form 8 (DHA-1691) contained in the Annexure.

(2) Any decision made by the Standing Committee shall be issued to an asylum seeker at the Refugee Reception Office where the application for asylum was submitted.

#### **Appeals to Refugee Appeals Authority**

**16.** (1) An appeal in terms of section 24B(1) of the Act must—

- (a) be submitted within 10 working days of receipt of the letter of rejection from the Refugee Status Determination Officer;
- (b) state the grounds for the appeal; and
- (c) be submitted on a Form substantially corresponding to Form 9 (RAA-01) contained in the Rules of the Refugee Appeals Authority.

(2) Failure to lodge an appeal as referred to in subregulation (1) shall result in the decision of the Refugee Status Determination Officer being considered as a final decision.

(3) An asylum seeker who fails to lodge an appeal within the period referred to in subregulation (1) due to—

- (a) institutionalisation;
- (b) entry into a Witness Protection Programme;
- (c) quarantine;
- (d) arrest without bail; or
- (e) any other similar compelling reasons,

must make an application for condonation, supported by documentary evidence, in accordance with the Rules of the Refugee Appeals Authority.

(4) An asylum seeker who has failed to lodge an appeal or whose appeal has been rejected must be referred to an immigration officer to be dealt with as an illegal foreigner in terms of the provisions of the Immigration Act.

(5) Any asylum seeker who, having been called to appear at an appeal determination by the Refugee Appeals Authority, fails to appear at the appointed date and time, may have his or her

appeal determined on the basis of documents already before the Refugee Appeals Authority at the discretion of the presiding member of the Refugee Appeals Authority.

#### **Formal recognition of refugee status**

17. (1) For purposes of these regulations, a formal recognition of refugee status referred to in section 27(a) of the Act, shall be a certificate of recognition of refugee status on a Form substantially corresponding to Form 10 (DHA-1693) contained in the Annexure.

(2) Upon being granted refugee status, a refugee, and where applicable his or her dependants, must be issued, in person, with a certificate of recognition as a refugee.

(3) The certificate contemplated in subregulation (1) will be valid for a period of four years from the date on which it is issued, unless the refugee status of the holder is withdrawn or ceased in terms of the Act, prior to the expiry date.

(4) A refugee must apply for renewal of the certificate contemplated in subregulation (1) at least 90 days prior to the expiry thereof.

#### **Identity document**

18. (1) Any refugee who is 16 years or older must, immediately upon receipt of his or her certificate of recognition of refugee status, apply for an identity card or document on a Form substantially corresponding to Form 11 (DHA-1687) contained in the Annexure.

(2) An application for an identity card or document must be accompanied by—

- (a) a copy of the applicant's certificate referred to in regulation 17; and
- (b) the biometrics that conform to the identity specifications contemplated in the Identification Act.

(3) The identity card or document contemplated in subregulation (1) must be endorsed with a validity date corresponding to the date on the certificate referred to in regulation 17.

(4) A fee, as contemplated in the Identification Act, shall be charged for any application for a re-issue of a lost, stolen or damaged identity document or card.

#### **Travel documents for refugees**

19. (1) An application for a travel document must be made on a Form substantially corresponding to Form 12 (DHA-1705) contained in the Annexure.

(2) An application contemplated in subregulation (1) must be accompanied by—

- (a) a copy of the applicant's certificate of recognition as a refugee, referred to in regulation 17, which must be valid for a period not less than 180 days at the time of submission of the application for a refugee travel document;

- (b) a copy of a valid identity card or document issued to a refugee in terms of section 30 of the Act; and
  - (c) the biometrics of the refugee as contemplated in the South African Passport and Travel Documents Act.
- (3) A travel document issued to a refugee may contain such endorsements and conditions considered necessary.
- (4) An application for a refugee travel document by a person who is under the age of 16 years, must be made with the assistance of the applicant's parents or legal guardian and must be accompanied by—
- (a) where applicable, a copy of the birth certificate of such person;
  - (b) a copy of the certificate as contemplated in regulation 17 which was issued to such person; and
  - (c) the biometrics of the refugee as contemplated in the South African Passport and Travel Documents Act.
- (5) In the case of children in alternative care as defined in the Children's Act, 2005, an application for a travel document must, in addition to the requirements contemplated in subregulation (2), be accompanied by a certified copy of the authorisation letter from the Provincial Head of the Department of Social Development where the child resides.
- (6) A fee, as contemplated in the South African Passport and Travel Documents Act, shall be charged for any application for a travel document.

**Surrender of documents**

- 20.** (1) Where refugee status of a person is withdrawn or ceases in terms of the Act, any documents issued to such a person in terms of regulations 17, 18 and 19 must be surrendered by such person to an authorised official upon receipt of notification of termination of refugee status.
- (2) A refugee whose documents have been surrendered must be dealt with in terms of the provisions of the Immigration Act.

**Detention and removal of refugees and asylum seekers relating to national security threat**

- 21.** (1) The Minister may issue an order contemplated in section 28(1) of the Act requiring the Director-General to immediately detain and remove, from the Republic, any asylum seeker or refugee named in such order.
- (2) Upon receipt of the order issued by the Minister in terms of subregulation (1), the Director-General—
- (a) must forthwith withdraw any asylum seeker visa or certificate of recognition of refugee status, identity document or card or travel document issued to any person named in order;

- (b) must forthwith submit a copy of the order to a representative of the UNHCR;
  - (c) may enlist the assistance of any law enforcement officer or structure to trace, arrest, and detain the person;
  - (d) may collaborate with any state officer or any other person to transport the person to any destination within the Republic, and to remove the person from the territory of the Republic; and
  - (e) may take any steps necessary to execute the order, including contracting the services of any private service provider.
- (3) The UNHCR may, upon receipt of the notification contemplated in subregulation (2), inform the Director-General of its intention to remove or resettle such person to another country, within an agreed period, which period shall not exceed two calendar weeks: Provided that such person must be held in detention until his or her removal by the UNHCR from the Republic.
- (4) Any application for judicial review emanating, directly or indirectly, from the order referred to in subregulation (1) may only be lodged by or on behalf of the person named in such order before a High Court of the Republic, within 48 hours of the arrest of the person.
- (5) Any order made by a High Court shall be confirmed by the Constitutional Court, within two calendar weeks from the date of the issue of the order contemplated in 28(1), failing which the order of the High Court shall lapse and the Director-General must, notwithstanding the legal status of the order issued by the Minister, proceed with the removal of the person from the territory of the Republic, in the national interest.
- (6) The person whose removal is ordered by the Minister may, in writing, indicate to the Director-General his or her intention to voluntarily depart the Republic, in which event the Director-General, may at his or her discretion afford such person and any family member, assistance with travel and other related matters, including a relocation stipend that may not exceed any amount approved in writing by the Minister, provided that the person shall remain in detention until his or her departure from the Republic.

#### **Change of address and contact details**

**22.** (1) The notice of change of address and contact details contemplated in section 34(1)(b) of the Act shall be made on a form substantially corresponding to Form 13 contained in the Annexure and must be submitted to a Refugee Reception Office.

#### **Withdrawal of refugee status**

**23.** (1) Before refugee status may be withdrawn in terms of section 36(1) of the Act, the Standing Committee must provide written notice to the refugee indicating—

- (a) the intention of the Standing Committee to withdraw his or her status;

- (b) the reasons for the intended withdrawal; and
  - (c) that he or she has the right to make written representations to the Standing Committee within 30 calendar days of the date of receipt of the notice.
- (2) Upon receipt of representations from a refugee, the Standing Committee may—
- (a) uphold the refugee status; or
  - (b) withdraw the refugee status and notify the Head of a Refugee Reception Office who must refer the matter to an immigration officer for purposes of detention and deportation of such person in terms of the provisions of the Immigration Act.
- (3) Following an order by the Minister in terms of section 36(3) of the Act, the Standing Committee must cause a notice to be published in the *Gazette* calling on the affected refugees to make representations as to why their refugee status should not be withdrawn within the period indicated in the said notice.
- (4) The Standing Committee may, notwithstanding the order from the Minister, after considering the representations referred to in subregulation (4),—
- (a) confirm the withdrawal of the refugee status;
  - (b) decide not to withdraw the refugee status on humanitarian grounds; or
  - (c) certify a refugee as contemplated in section 27(c) of the Act.
- (5) The humanitarian grounds referred to in subregulation (5) shall include—
- (a) a child who has no relatives or extended family in his or her country of origin;
  - (b) a person who is receiving life-saving medical treatment which is unavailable in his or her country of origin; or
  - (c) any other similar grounds.
- (6) If a refugee fails to make representations within the period mentioned in subregulation (1) or (3), his or her refugee status shall automatically lapse and he or she will be regarded as an illegal foreigner and be dealt with in terms of the Immigration Act.

**Repeal of laws**

24. The Refugees Regulations (Forms and Procedure), 2000 published in Government Notice No. R. 366 of 6 April 2000, are hereby repealed.

**Short title and commencement**

25. These Regulations are called the Refugees Regulations, 2018 and comes into operation on 1 January 2020.

## ANNEXURE

Form 1 (a)	Affidavit in respect of marriage concluded outside the Republic
Form 1 (b)	Affidavit in respect of parties to permanent homosexual or heterosexual relationship
Form 2	Application for Asylum
Form 3	Notification of abandoned application
Form 4	Application for asylum: Previously dependant person
Form 5	Asylum Seeker Visa
Form 6	Letter of employment
Form 7	Letter of enrolment at educational School
Form 8	Decision of the Standing Committee
Form 9	Notice of appeal
Form 10	Certificate of recognition as a refugee
Form 11	Application for refugee Identity Document
Form 12	Application for document for travel purpose for refugee or persons who acquired permanent residence permit after certification as refugee independently
Form 13	Notice of change of address
Form 14	Application to be allowed to remain in the Republic after termination of dependency



**REPUBLIC OF SOUTH AFRICA  
DEPARTMENT: HOME AFFAIRS**

**AFFIDAVIT IN RESPECT OF PARTIES TO  
MARRIAGE CONCLUDED OUTSIDE THE REPUBLIC**

**Refugees Act, 1998 (Act No. 130 of 1998)**

[Section 1, Regulations 2(3)]

1.

I ..... of ..... state herewith under oath in English as follows:  
**(Full names of applicant) (Current address in full)**

2.

I was born on the ..... day of ..... at ..... in the country of .....  
**(Month & year) (Name of town/district) (Country)**

3.

I hereby affirm, declare and swear that I married ..... who was born on the ..... day  
**(Spouse's (maiden) name in full)**  
of ..... at ..... in the country of .....  
**(Month & year) (Name of town/district) (Country)**

4.

Our marriage was conducted on the .....  
**(Date of Marriage)**

5.

Officiating Officer / Priest: .....  
**(Full Names)**

Witnesses: .....  
**(Full Names) (Full Names)**  
.....  
**(Full Names) (Full Names)**

6.

I agree to submit an affidavit confirming the continued existence of my marriage from time to time, in accordance with the provisions of the law in South Africa and undertake to inform the Director-General in writing within 4 (four) months of the termination of our marriage.

7.

I further, confirm that I am still married to the person mentioned in paragraph 2 above.

8.

I know and understand the contents of this statement  
I have no objection to taking the prescribed oath  
I consider the prescribed oath to be binding on my conscience.  
I swear that the above statement is correct so help me God.

.....  
**Signature of Applicant**



Form 1 (a)



**REPUBLIC OF SOUTH AFRICA  
DEPARTMENT: HOME AFFAIRS**

**AFFIDAVIT IN RESPECT OF PARTIES TO  
MARRIAGE CONCLUDED OUTSIDE THE REPUBLIC**  
Refugees Act, 1998 (Act No. 130 of 1998)  
[Section 1, Regulations 2(3)]

9.

I hereby certify that the Deponent to this affidavit has acknowledged to me that he has read and that he knows and understands its contents, and was sworn to before me and the Deponent signature was placed thereon in my presence at ..... on this ..... day of ..... 20.....

**COMMISSIONER OF OATHS**

**OFFICE STAMP**

**NAME:**

**RANK:**

**PLACE:**



Form 1(b)

**REPUBLIC OF SOUTH AFRICA  
DEPARTMENT: HOME AFFAIRS**

**AFFIDAVIT IN RESPECT OF PARTIES TO PERMANENT HETEROSEXUAL / HOMOSEXUAL SPOUSAL  
RELATIONSHIP**  
Refugees Act, 1998 (Act No. 130 of 1998)  
[Section 1, Regulations 3(4)]

1.

I ..... of ..... state herewith under oath in English as follows:  
*(Full names of applicant) (Current address in full)*

2.

I was born on the ..... day of ..... at ..... in the country of .....  
*(Month & year) (Name of town/district) (Country)*

3.

I hereby affirm, declare and swear that I am in a monogamous heterosexual / homosexual spousal relationship with  
..... born on the ..... day of ..... at .....  
*(Full maiden names of partner) (Month & year) (Name of town/district)*  
in the country .....  
*(Country)*

4.

To substantiate our relationship I attach a signed notarial agreement and documentation proving cohabitation and the extent to which the related financial responsibilities are shared.

5.

We currently reside together at .....  
*(Current address in full)*

6.

I agree to submit an affidavit confirming the continued existence of our relationship from time to time, in accordance with the provisions of the law in South Africa and undertake to inform the Director-General in writing within 4 (four) months of the termination of our spousal relationship.

7.

I know and understand the contents of this statement  
I have no objection to taking the prescribed oath  
I consider the prescribed oath to be binding on my conscience.  
I swear that the above statement is correct so help me God.

.....  
**Signature of Applicant**



Form 1(b)

**REPUBLIC OF SOUTH AFRICA  
DEPARTMENT: HOME AFFAIRS**

**AFFIDAVIT IN RESPECT OF PARTIES TO PERMANENT HETEROSEXUAL / HOMOSEXUAL SPOUSAL  
RELATIONSHIP**  
Refugees Act, 1998 (Act No. 130 of 1998)  
[Section 1, Regulations 3(4)]

8.

I hereby certify that the Deponent to this affidavit has acknowledged to me that he has read and that he knows and understands its contents, and was sworn to before me and the Deponent signature was placed thereon in my presence at ..... on this ..... day of ..... 20.....

**COMMISSIONER OF OATHS**

**OFFICE STAMP**

**NAME:**

**RANK:**

**PLACE:**

G.P.-S. 06/18

DHA 1590



home affairs

Department: Home Affairs REPUBLIC OF SOUTH AFRICA

APPLICATION FOR ASYLUM Refugees Act, 1998 (Act No. 130 of 1998) [Section 21 of the Refugees Act, 1998]

DATE STAMP (AT POE)

FOR OFFICIAL USE (AT RRO) Return Date of the Form UNHCR Reference Number Section 23 Visa No.

This form should be completed in full and submitted at any Refugee Reception Office or any other place designated by the Director-General in terms of the Act. The form is to be completed in black ink with BLOCK LETTERS.

A1. PERSONAL DETAILS OF APPLICANT (ASYLUM SEEKER)

Surname (family name): Forenames in full (first name): (middle name): Date of Birth: Gender: Are you disabled?: Country of birth: Province of Country of Birth: City of Birth: Current nationality: Previous Nationality(ies) (if applicable): Ethnic Group: Home Language: Other Languages: (a) (b): Level of fluency in English: Speak: Read: Write: Religion: Marital Status: Type of Marriage: Number of Wives: Number of Children:

35mm x 45mm IDENTITY DOCUMENT PHOTO

Residential Address/es during the last five years	
Town / City	
Country	
Current Residential Address in RSA	
Province in RSA:	
Telephone No in RSA:	Code
Cell No in RSA:	
E-mail Address:	
Alternative Contact No in RSA:	
Surname of Contact Person:	
Name of Contact Person:	
Residential Address of Contact Person:	
Relationship to Applicant:	
E-mail Address:	

(Applicant is advised by RRO to inform the Department of any change of Address within ten (10) days of such change of address)

Signature of Applicant

**A2. DETAILS OF IDENTITY AND TRAVEL DOCUMENTS**

**A2.1 IDENTITY DOCUMENT**

Are you in possession of one or more identity document from your country of origin?  Yes (Attach proof)  No (Please tick in the appropriate box)

If yes, please present your identity document to the Administration Officer for verification of your personal particulars

**Details of identity document**

Identity Document number:		Place of issue:	
Date of issue:	Y Y Y Y M M D D		
Issuing Authority:			
Date of expiry:	Y Y Y Y M M D D		

**A2.2 PASSPORT / TRAVEL DOCUMENT**

Are you in possession of a passport / travel document?  Yes (Attach proof)  No (Please tick in the appropriate box)

If yes, please present your passport / travel document to the Administration Officer for verification of your personal particulars

**Details of passport / travel document**

Travel Document number:		Place of issue:	
Date of issue:	Y Y Y Y M M D D		
Issuing Authority:			
Date of expiry:	Y Y Y Y M M D D		

If you are not in possession of a passport or travel document, state why, and describe how you travelled to RSA without a passport: \_\_\_\_\_

**A2.3 PREVIOUS VISITS TO RSA**

Have you visited the Republic of South Africa previously?  Yes  No (Please tick in the appropriate box)

If yes, when and for how long? Date of first entry: Y Y Y Y M M D D for Months Years

Which permit did you use to enter the RSA?

What was the purpose of your stay?

Have you ever overstayed or been ordered to leave / deported?  Yes  No *(Please tick in the appropriate box)*

What were the reasons for overstaying or deportation?

If yes, why did you return to RSA?

**A3. EDUCATION AND EMPLOYMENT DETAILS**

**A3.1 EDUCATION**

Highest qualification obtained:  No School  Primary  High School  Gr 12 (matric/Std 10)  Diploma  Degree  Other, specify

Specify qualification:

Proof of qualifications?  Yes  No *(Please tick in the appropriate box)*

If yes, please attach copy of certificate.

**A3.2 EMPLOYMENT – Previous Occupation (Note: If self-employed, state name of business and registration number)**

Profession (occupation):

Experience in profession:  *(number of years)*

Previous employment:

Address of previous employer:

Contact number of previous employer:

Duration of employment:  years from  Y  Y  Y  Y  M  M  D  D to  Y  Y  Y  Y  M  M  D  D

Reasons for leaving employment:

**Attach testimonials / salary slips and any documentation proving previous employment (if available).**

**A3.2.1 CURRENT EMPLOYMENT IN RSA**

Are you currently employed in RSA?  Yes  No *(Please tick in the appropriate box)*

If Yes, provide details

**A3.3 SKILLS**

Please indicate where applicable  Computer skills  Financial skills  Engineering skills *(Please tick in the appropriate box)*  
 Medical skills  Technical skills  Mathematical/Science skills  
 Other skills Please specify

**A4. CRIMINAL RECORDS**

Were you ever arrested?  Yes  No *(Please tick in the appropriate box)*

**If yes, please answer the following questions:**

Where were you arrested?

Country  Town/City



Purpose of the organisation:

[Grid for Purpose of the organisation]

Training received:

[Grid for Training received]

Countries in which you received training:

[Grid for Countries in which you received training]

Military operations you were involved in:

[Grid for Military operations you were involved in]

Are you still a member of the organisation?

Yes  No

If no, when was your membership terminated?

Y Y Y Y M M D D

Were you involved in any armed forces: Y /N

Yes  No

(Please tick in the appropriate box)

If Yes, provide details

[Blank lines for details]

**A6. MEMBERSHIP – ORGANISATION (POLITICAL, RELIGIOUS, ETHNIC OR SOCIAL)**

Are you / were you a member of any organisation in your country of origin (home country)?

Yes  No

(Please tick in the appropriate box)

Name of the Organisation:

[Grid for Name of the Organisation]

Purpose of the organisation:

[Grid for Purpose of the organisation]

Position occupied in the Organisation:

[Grid for Position occupied in the Organisation]

Main activity of the organisation:

[Grid for Main activity of the organisation]

Period of membership:

[ ] months [ ] years

Are you still a member of the organisation?

Yes  No

If no, when was your membership terminated?

Y Y Y Y M M D D

**A7. ENTRY INTO THE REPUBLIC OF SOUTH AFRICA**

Did you enter RSA through a Port of Entry?

Yes  No

(Please tick in the appropriate box)

If no, how and where did you enter RSA?

[Blank line]

State reasons why you did not use the Port of Entry:

[Blank line]

State details of assistance obtained to enter the Republic:

[Blank line]

Were you travelling alone?

Yes  No

(Please tick in the appropriate box)

If no, provide name of person(s) you travelled with:

[Grid for Name of person(s) you travelled with]

Where did you meet the person(s) you were travelling with?

[Grid for Where did you meet the person(s) you were travelling with]

How did you meet?:

[Blank line]

**Details of Family or Friends Travelling With You**

How many people did you enter RSA with?

[Grid for How many people did you enter RSA with]

Surname	Forenames	Date of Birth	Relationship with you	Nationality	Contact maintained / Not upon entering RSA
1					
2					
3					
4					
5					

Which Port of Entry did you enter RSA through:

[Grid for Which Port of Entry did you enter RSA through]



When did you enter RSA?:  Y  Y  Y  Y  M  M  D  D

Mode of travel:  Air  Land  Sea

When did you leave your country of origin (home country)?  Y  Y  Y  Y  M  M  D  D

(Please attach Section 23 visa issued to you at the Port of Entry in terms of the Immigration Act, 2002)

**ROUTE TAKEN TO THE REPUBLIC**

Indicate in detail how you travelled from your country into the Republic \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List the countries transited en route to RSA and the duration of your stay:

Country	Port of Entry Used	Mode of transport	Travel Documents Used	Duration in Transit Country	Immigration Status in the transit country	Address in transit country
1						
2						
3						
4						
5						

State reason for entry and exit in each port of entry in other country state reason for entry and exit in each country en route to RSA without applying for asylum)

Country	
1	
2	
3	
4	
5	

**A7.2 Asylum History**

Did you apply for asylum in any of the above listed countries?  Yes  No (Please tick in the appropriate box)

If no, give reasons? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**If yes, please provide details:**

Was your application for asylum granted?  Yes  No (Please tick in the appropriate box)

When did you apply?  Y  Y  Y  Y  M  M  D  D

Type of permit issued: \_\_\_\_\_

Permit Number: \_\_\_\_\_

Status validity:  Y  Y  Y  Y  M  M  D  D to  Y  Y  Y  Y  M  M  D  D

Please provide reasons for your departure from the country where you applied for asylum: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did you notify the Refugee Commissioner or other relevant authorities of your intended departure?  Yes  No

If no, state reason: \_\_\_\_\_

Are you recognised as a refugee by the UNHCR?  Yes  No (Please tick in the appropriate box)

If yes, specify date:  Y  Y  Y  Y  M  M  D  D and UNHCR Field office in RSA: \_\_\_\_\_

Are you registered with an Embassy, a Consulate or any other representative authority of your home country in the Republic?  Yes  No

If yes, please state details including dates of your visit to such representative authority: \_\_\_\_\_  
\_\_\_\_\_

**B1. PARTICULARS OF FAMILY (SPOUSE OR DEPENDANTS) IN RSA**

**B.1.1. PARTICULARS OF SPOUSE OR DEPENDANT**

Surname (Family)

Maiden name

First name

Middle name

Date of birth  Y Y Y Y  M M  D D

Identity No.

Travel Doc No.

Sex

Relationship with applicant

Status in RSA  Asylum Seeker  Refugee Permit  Immigration Permit

Date of marriage  Y Y Y Y  M M  D D (Please provide marriage certificate)

Type of marriage  Civil Marriage  Religious Marriage  Customary/Indigenous

Occupation

Residential address

Code

Tel/Cell Number

**B.1.2. PARTICULARS OF SPOUSE OR DEPENDANT**

Surname (Family)

Maiden name

First name

Middle name

Date of birth  Y Y Y Y  M M  D D

Identity No.

Travel Doc No.

Sex

Relationship with applicant

Status in RSA  Asylum Seeker  Refugee Permit  Immigration Permit

Date of marriage  Y Y Y Y  M M  D D

Type of marriage  Civil Marriage  Religious Marriage  Customary/Indigenous

Occupation

Residential address

Code

Tel/Cell Number

**B.1.3. PARTICULARS OF SPOUSE OR DEPENDANT**

Surname (Family)

Maiden name

First name

Middle name

Date of birth  Y Y Y Y  M M  D D

Identity No.

Travel Doc No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

**B.1.4. PARTICULARS OF SPOUSE OR DEPENDANT**

Surname (Family)

Maiden name

First name

Middle name

Date of birth  Y Y Y Y  M M  D D

Identity No.

Travel Doc No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

**B.1.5. PARTICULARS OF SPOUSE OR DEPENDANT**

Surname (Family)

Maiden name

First name

Middle name

Date of birth  Y Y Y Y  M M  D D

Identity No.

Travel Doc No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

**B.1.6. PARTICULARS OF SPOUSE OR DEPENDANT**

Surname (Family)

Maiden name

First name

Middle name

Date of birth  Y Y Y Y  M M  D D

Identity No.

Travel Doc No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

**B2. PARTICULARS OF FAMILY (SPOUSE OR DEPENDANTS) OUTSIDE RSA**

**B.2.1. PARTICULARS OF SPOUSE OR DEPENDANT**

Surname (Family)

Maiden name

First name

Middle name

Date of birth  Y  Y  Y  Y  M  M  D  D

Passport No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

**B.2.2. PARTICULARS OF SPOUSE OR DEPENDANT**

Surname (Family)

Maiden name

First name

Middle name

Date of birth  Y  Y  Y  Y  M  M  D  D

Passport No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

**B.2.3. PARTICULARS OF SPOUSE OR DEPENDANT**

Surname (Family)

Maiden name

First name

Middle name

Date of birth  Y  Y  Y  Y  M  M  D  D

Passport No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

**B.2.4. PARTICULARS OF SPOUSE OR DEPENDANT**

Surname (Family)

Maiden name

First name

Middle name

Date of birth  Y  Y  Y  Y  M  M  D  D

Passport No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

**B.2.5. PARTICULARS OF SPOUSE OR DEPENDANT**

Surname (Family)

Maiden name

First name

Middle name

Date of birth  Y  Y  Y  Y  M  M  D  D

Passport No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

**B.2.6. PARTICULARS OF SPOUSE OR DEPENDANT**

Surname (Family)

Maiden name

First name

Middle name

Date of birth  Y  Y  Y  Y  M  M  D  D

Passport No.

Sex

Relationship with applicant

Occupation

Residential address

Code

Tel/Cell Number

**NOTE:**

1. If space provided is not sufficient, attach additional information.
2. Failure to disclose or state dependants who are outside of RSA may lead to such dependant refused recognition in RSA based on your claim



Did you report the incident that occurred to you to the relevant authorities / police / local leader / your organisation or party?  Yes  No

If No, state reasons. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If Yes, what did the authorities / police / local leader / your organisation or party to whom you reported the matter do about your report? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did you avail yourself of the availability of friends/family who could possibly offer you refuge in any of the countries en route to RSA \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**D. WILLINGNESS TO RETURN TO YOUR COUNTRY OF ORIGIN (HOME COUNTRY)**

D.1. Do you wish to return to your country of origin (home country) in the future?  Yes  No

If no, please give reasons for your answer provided above and explain why you are unwilling to return to your country of origin.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D.2. Under which conditions would you agree to return to your country of origin or home country in the future / what needs to happen in your country of origin to enable you to return?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D.3. How do you intend to support yourself financially while in RSA?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**E. DECLARATION BY APPLICANT**

I, ..... declare that the information provided in this form is to the best of my knowledge true, correct and binding and I was informed that:

- (a) all the information provided in this form is confidential;
- (b) all facts stated in this form will be used to reach a decision;
- (c) identity must be confirmed in other ways if proof of identification is not provided; and (d) false or incorrect information provided may lead to this application being unsuccessful.

	Applicant's thumb print if unable to sign
--	---

\_\_\_\_\_  
Signature of Applicant / Deponent

\_\_\_\_\_  
Place

Signed and sworn to me at ..... on this day of ..... 20..... the deponent having acknowledged that he or she knows that and understands the contents of this Affidavit, that the contents are true and correct, that he or she has no objection to take the prescribed oath / affirmation and the prescribed oath / affirmation is binding on his or her conscience.

\_\_\_\_\_  
Commissioner of oaths

**F. DETAILS OF INTERPRETER**

Surname:

Forenames:

Qualifications:  Diploma  Degree  Other, specify: \_\_\_\_\_

Specify Qualification:

Telephone No: 



 Cellphone No:

Institute:

Address of Institute:

E-mail Address:

**G. FOR OFFICIAL USE ONLY**

**G.1. APPLICATION RECEIVED BY:**

Surname:

Forenames in full:

Persal No:

Rank: \_\_\_\_\_

Refugee Reception Office: \_\_\_\_\_

**Supporting Documents, please tick:**

- Identity Document
- Marriage Certificate
- Child's unabridged birth certificate
- Section 23 Visa
- Passport / Travel Document
- Educational Qualifications
- Testimonials / Salary Slips
- No document submitted

I, ..... declare that I have received and checked this Form and confirm that it is fully completed.

\_\_\_\_\_  
Signature of Officer

Date:

G.2. PRELIMINARY COMMENTS BY OFFICER

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Signature of Officer

Date: 

Y	Y	Y	Y
---	---	---	---

M	M
---	---

D	D
---	---

G.3. DECISION BY RSDO

The decision on application for asylum is as follows: Asylum  Granted  Manifestly unfounded  Fraudulent  
 Rejected as Abusive  Unfounded

Reasons for decision (attach detailed reasons for decision):

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Signature of RSDO

Date: 

Y	Y	Y	Y
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M	M
---	---

D	D
---	---

<div style="border: 1px dashed black; width: 100px; height: 100px; margin: 0 auto;"> <p style="text-align: center;">STAMP</p> </div>	<p><b>Commissioner of Oaths</b></p> <p>Full Names _____</p> <p>Business Address _____</p> <p>_____</p> <p>_____</p>
--	---

**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**NOTIFICATION OF ABANDONED APPLICATION  
Refugees Act, 1998 (Act No. 130 of 1998)  
[Section 22(12); Regulation 9(1)]**

**A. REFERRAL TO STANDING COMMITTEE**

<b>Office:</b>	
<b>File Number:</b>	
<b>Surname:</b>	
<b>Names:</b>	
<b>Current status of the application:</b>	
<b>Date of last issue of asylum seeker visa:</b>	
<b>Date of expiry of asylum seeker visa:</b>	
<b>Date of referral to Standing Committee:</b>	
<b>Note:</b> For the question below the RSDO must indicate that the asylum seeker visa was not renewed and provide date of expiry, including indication as to whether or not the asylum seeker presented him/herself after such expiry date and provide proof of allegations.	
<b>Reasons for considering the application as abandoned?</b>	
<b>List all information submitted to Standing Committee</b>	

SIGNATURE: \_\_\_\_\_  
**REFUGEE STATUS DETERMINATION OFFICER**  
**NAME:**  
**DATE:**



Form 3

**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**NOTIFICATION OF ABANDONED APPLICATION  
Refugees Act, 1998 (Act No. 130 of 1998)  
[Section 22(12); Regulation 9(1)]**

**B. ENDORSEMENT BY STANDING COMMITTEE**

<p><b>Representations by asylum seekers regarding inability to present himself or herself as required, if any:</b></p> <p><b>RESPONSE TO QUESTION:</b> <i>Representations that may have been made by the asylum seeker (proof of delay if hospitalised or so).</i></p>	
<p><b>Endorsement by the Standing Committee</b></p>	

SIGNATURE: \_\_\_\_\_

MEMBER: STANDING COMMITTEE

DATE:

**C. UPDATE OF SCRA ENDORSEMENT ON NATIONAL IMMIGRATION INFORMATION SYSTEM**

Date of receipt:	
Date of update:	
Date of referral Immigration Officer:	

SIGNATURE: \_\_\_\_\_

REFUGEE STATUS DETERMINATION OFFICER

NAME:

DATE:

**D. NOTICE TO REPORT AND/OR DEPART THE REPUBLIC**

Date received from RSDO:	
Details of receiving Officer:	
<p>Notice to report to Refugee Reception Office issued: Yes / No.</p> <p>If no, please provide reason:</p>	
Notice to depart the Republic issued, provide details.	
Address where notice was served (include School or place of employment, where applicable).	

Form 3

**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**NOTIFICATION OF ABANDONED APPLICATION**  
**Refugees Act, 1998 (Act No. 130 of 1998)**  
[Section 22(12); Regulation 9(1)]

---

**E. DEPORTATION BY IMMIGRATION OFFICER**

<b>Date of receipt</b>	
<b>Date of deportation</b>	
<b>Proof of deportation (<i>attach</i>)</b>	

SIGNATURE: \_\_\_\_\_

**IMMIGRATION OFFICER**

**NAME:**

**DATE:**

Form 4



**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**APPLICATION FOR ASYLUM: PREVIOUSLY DEPENDANT PERSON**  
Refugees Act, 1998 (Act No. 130 of 1998)  
[Section 21B(3) and (4); Regulation 10(1) and (2)]

**NOTE:**

1. Any false statement or information provided on this form shall result in the application being rejected.
2. A person making a false claim with regard to any child may be charged under the provisions of the Children's Act, 2005 (Act No. 38 of 2005) and/or the Prevention and Combating of Trafficking in Persons Act, 2003 (Act No. 7 of 2003).
3. The applicant must provide proof, where possible.
4. Additional paper may be used, if the space provided in this Form is not sufficient.

**A1. DETAILS OF PERSONS ON WHOM APPLICANT WAS PREVIOUSLY DEPENDENT (PRINCIPAL APPLICANT)**

Surname		Date of Birth	
Names		Age	
File Number:			
Refugee ID Number:			
Nationality		Ethnic Group	
Place of Birth		Country of Birth	
Residential Address			
Cell No.			
Email address			

**A2. DECLARATION OF TERMINATION OF DEPENDENCY**

Mark with X, whichever is applicable:

Relationship to person in part A1	Mother	Father	Son	Daughter	Other (specify)

State the reason for termination of dependency (provide proof, where applicable):

Mark with X, whichever is applicable:

- (a) Death of main applicant: \_\_\_\_\_ (*attach copy of death certificate*)  
 (b) Became a major: \_\_\_\_\_  
 (c) Other (*specify*): \_\_\_\_\_

I, \_\_\_\_\_, with asylum seeker visa number \_\_\_\_\_ or refugee status number, declare that—

- (a) I am desirous to apply for asylum in my own right; and  
 (b) the circumstances that led to the application for asylum by my spouse / parent on whom I was dependent still applies; or  
 (c) Other, specify \_\_\_\_\_

Date \_\_\_\_\_ Signature: \_\_\_\_\_



**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**APPLICATION FOR ASYLUM: PREVIOUSLY DEPENDANT PERSON**  
Refugees Act, 1998 (Act No. 130 of 1998)  
[Section 21B(3) and (4); Regulation 10(1) and (2)]

**A3. APPLICANT'S LANGUAGE PROFICIENCY**

Language			Other languages	
Level of proficiency in English	Excellent			
	Good			
	Fair			

**B1. DETAILS OF APPLICANT**

Surname				
Names				
Date of Birth		Age		
Sex ( <i>write in full</i> )				
Nationality		Previous nationality, if any		
Place of Birth		Country of Birth		
Ethnic Group				
Contact Details	Residential Address			
	Tel No.			
	Cell			
	Email			
Current Marital Status	Single	Married	Divorced	Widow/Widower
Name of spouse of applicant				
Date of birth of spouse		Age of spouse		
Contact details of spouse	Physical Address			
	Tel No.			
	Cell			
	Email			
Marriage certificate produced	Yes / No _____			

**B2. SOJOURN IN RSA**

How long have you been in RSA? \_\_\_\_\_  
Indicate the date of first entry? \_\_\_\_\_

**B3. APPLICANT'S CURRENT DEPENDANTS** (Only applicable to divorcee / widow / widower)

**Note:** The details required in Part 2 are only those who hold asylum seeker visa / refugee status or were born in RSA after the principal Applicant was issued asylum seeker visa or refugee status.

Name	Date of birth	Age	Relationship	Place of birth ( <i>attach birth certificate</i> )

**For Office use only:** Confirmed if the dependents were listed in the principal applicant's file

Form 4



**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**APPLICATION FOR ASYLUM: PREVIOUSLY DEPENDANT PERSON**  
Refugees Act, 1998 (Act No. 130 of 1998)  
[Section 21B(3) and (4); Regulation 10(1) and (2)]

**B4. APPLICANT'S PARENTS DETAILS**

## B4.1 Mother's details

Name of Mother		Date of birth	
Place of Birth		Age	
Contact Details	Residential address		
	Tel No.		
	Cell		
	Email		

## B4.1 Father's details

Name of Mother		Date of birth	
Place of Birth		Age	
Contact Details	Residential address		
	Tel No.		
	Cell		
	Email		

**B6. IDENTIFICATION AND TRAVEL DOCUMENTS**

Are you in possession of your Identification card from your country of origin?	Yes		<i>If yes, attach copy</i>
	No		
Are you in possession of any passport / refugee travel document?	Yes		<i>If yes, present to official</i>
	No		
Place of issue		Date of issue	
Issuing Authority		Date of expiry	
Do you have any visa issued prior to entry into RSA?	Yes		<i>If yes, indicate where was it applied for below</i>
	No		
Do you have a visa which is currently valid?	Yes		<i>If yes, indicate where was it applied for below</i>
	No		
Were any of the above documents destroyed / disposed of? If yes, provide reason			

**C1. APPLICANT'S HISTORY**

## C1.1 Educational History

Highest qualification obtained	No School	Primary	High School	Gr.12 (Matric)	Diploma	Degree	Other, specify
Specify qualification							
Proof of qualification	Yes		<i>If yes, attach certificate</i>				
	No						
Other skills, specify							



**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**APPLICATION FOR ASYLUM: PREVIOUSLY DEPENDANT PERSON**  
**Refugees Act, 1998 (Act No. 130 of 1998)**  
[Section 21B(3) and (4); Regulation 10(1) and (2)]

## C1.2. Employment History

Profession (occupation)		
Experience in profession	State number of years	
Previous employment		
Contact details of previous employer	Work address	
	Tel No.	
	Cell	
	Email	
Duration of employment		
Reason for leaving employment		

**C2. APPLICANT'S HISTORY IN THE REPUBLIC**

## C2.1 Educational History

Highest qualification obtained	No School	Primary	High School	Gr.12 (Matric)	Diploma	Degree	Other, specify
Specify qualification							
Proof of qualification	Yes		<i>If yes, attach certificate</i>				
Other skills, specify							

## C2.2. Employment History

Profession (occupation)		
Experience in profession	State number of years	
Previous employment		
Contact details of current employer	Work address	
	Tel No.	
	Cell	
	Email	
Duration of employment		

**D. CRIMINAL RECORD**

Do you have any criminal convictions?	Yes		No	
If yes, please state the following details:				
Nature of offence /crime				
Date committed				
Do you have any outstanding warrants issued against you?				
If yes. Please state the nature of crime / offence committed				

Form 4



**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**APPLICATION FOR ASYLUM: PREVIOUSLY DEPENDANT PERSON**  
Refugees Act, 1998 (Act No. 130 of 1998)  
[Section 21B(3) and (4); Regulation 10(1) and (2)]

**E. APPLICANT'S CLAIM**

E1. Describe the reasons for continuous need for asylum / refugee status in the Republic.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E2. The applicant has been informed that (mark with an X)–

All information provided is confidential	<input type="checkbox"/>
The claim of the principal applicant indicated in this Form, as well as the decision thereon will also apply to him or her in its entirety	<input type="checkbox"/>
False or incorrect information may lead to prosecution or discredit the claim	<input type="checkbox"/>

**F. DECLARATION BY THE APPLICANT**

I, \_\_\_\_\_, have submitted to the fact that the above information is to the best of my knowledge true and correct.

**SIGNATURE** \_\_\_\_\_ **PLACE** \_\_\_\_\_ **DATE** \_\_\_\_\_

**G. INTERPRETER**

Interpretation UCID Number: <i>(If none complete details below)</i>			
Name of Interpreter		Contact Number:	
Qualification:		Institute:	

**H. FOR OFFICE USE ONLY**

Preliminary comments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SIGNATURE** \_\_\_\_\_

**DATE** \_\_\_\_\_

**NAME:** \_\_\_\_\_

**PERSAL:** \_\_\_\_\_

**DECISION BY REFUGEE STATUS DETERMINATION OFFICER:**

*(Attach detailed reasons)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SIGNATURE** \_\_\_\_\_

**DATE** \_\_\_\_\_

**NAME:** \_\_\_\_\_

**PERSAL:** \_\_\_\_\_



REPUBLIC OF SOUTH AFRICA

DEPARTMENT: HOME AFFAIRS
Section 22 of the Refugees Act No, 130 of 1998

Form 5 (DHA 1692)



BAR CODE (file number)

ASYLUM SEEKER VISA

REFERENCE NO:
Permission is hereby granted to the following person as holder of this visa to remain in the country or part thereof:

A. PERSONAL PARTICULARS OF HOLDER

SURNAME: FIRST NAME(S):
RESIDENTIAL ADDRESS:
DATE OF BIRTH: GENDER:
NATIONALITY: COUNTRY OF ORIGIN:
FILE NUMBER: PLACE OF ISSUE EXPIRY DATE:
ALTERNATIVE FILE NUMBER:

B. CONDITIONS

- 1. The holder of this visa has applied to be recognized as a refugee and may continue to lawfully reside temporarily in the Republic of South Africa for the duration of this visa .
2. The holder must in writing notify, the Refugee Reception Office of any change of his or her residential address.
3. The holder of the visa shall without expenses to the state, leave the Republic on or before -----or such later date as duty authorized by a Refugees Status Determination Officer if his/ her application for asylum has been rejected.
4. The visa entitles the holder to seek employment. (Or) The visa does not entitle the holder to work in the Republic.
5. Failure to comply with the conditions of this visa, the holder will be dealt with in terms of section 37(b) and section 22(6) of the Refugees Act 1998.
6. The holder of this visa shall abide by the laws of the Republic.
7. This visa shall lapse if the holder does not appear in person on or before the expiry date as required at the designated Refugee Reception Office or if he or she departs from the Republic without prior authorization from Director – General.
8. The holder of the visa may apply to extend this visa 15 days prior to expiry date.
9. All visas issued prior to the date appearing hereunder are rendered null and void by the issuance of this visa.
10. The holder of this visa is entitled to seek and receive basic education or adult basic education
11. (To reflect the status of the application for asylum at the time of issuance of this visa)
12. I ... (names as appear above).....agree to the above conditions and understand that a breach thereof will result in an offence in terms of section 37 of the Refugees Act.

PLACE: DATE:
ORIGINALLY CAPTURED: PRINTED BY RRO FINGERPRINT IMPRESSION
DATE:
DESIGNATED RRO: PLACE:
SIGNATURE:
ORIGINALLY ISSUED IN: NUMBER OF EXTENSION:
VISA HOLDER SIGNATURE:







**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**Form 6**

**LETTER OF EMPLOYMENT**  
**Refugees Act, 1998 (Act No. 130 of 1998)**  
[Section 22(9); Regulation 11(8)]

The Director-General  
Department of Home Affairs  
Private Bag X114  
PRETORIA  
0001

Dear Sir/Madam

**LETTER OF OFFER OF EMPLOYMENT OF ASYLUM SEEKER: NAME AND SURNAME – EMPLOYMENT NUMBER**

1. This serves to confirm to the Director-General, in accordance with section 22(9) of the Refugees Act, 1998, read together with regulation 10(8) of the Refugees Regulations, 2018, that (*insert name and surname of asylum seeker*) with asylum seeker visa number .... (copy of visa attached) has been offered employment / has been employed by (*name of employer*) as (*mention position title*) for a period of (*mention period*) months, which period is not longer than the validity of visa attached hereto.
2. The Employer (*mention name of employer*) undertakes to comply with the conditions of the visa issued to the asylum seeker and any directives that may be issued by the Director-General from time to time regarding the employment of asylum seekers in the relevant sectors.
3. The Employer undertakes to ensure that the employee is in possession of a valid work visa for the duration of his or her employment and will keep on record copies of the relevant visa issued to the employee at all times. The Employer further undertakes to inform the Director-General when the employment is terminated.
4. The Employer further undertakes to produce copies of the valid work visa upon request by any authorized person.

<p><b>Name:</b> <b>Designation:</b> <b>Date:</b></p> <p><b>Signature:</b></p>	<p>Enquiries: [<i>name and surname</i>]; Cell: Tel: Fax: E-mail: Our Ref (<i>Employee number</i>); Your Ref: (<i>asylum seeker visa number</i>) Address:</p>
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Form 7

**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**LETTER OF ENROLMENT AT SCHOOL**  
**Refugees Act, 1998 (Act No. 130 of 1998)**  
[Section 22(9); Regulation 11(9)]

The Director-General  
Department of Home Affairs  
Private Bag X114  
PRETORIA  
0001

Dear Sir/Madam

**LETTER OF ENROLMENT OF ASYLUM SEEKER AT A SOUTH AFRICAN SCHOOL: NAME AND SURNAME – STUDENT NUMBER**

1. This serves to confirm to the Director-General, in accordance with section 22(9) of the Refugees Act, 1998 ("the Act"), read together with regulation 10(9) of the Refugees Regulations, 2018, that (*insert name and surname of asylum seeker*) with asylum seeker visa number .... (*copy of visa to be attached to this letter*) has been enrolled at (*name of school*) in (*indicate Grade*).
2. I undertake on behalf of (*name of school*) in my capacity as (*indicate official title*) to ensure that the learner attends school while at all times in possession of a valid visa, and to retain copies of any or all visas that may from time to time be issued to the asylum seeker.
3. I, on behalf of (*name of school*), confirm that the School has copies of the relevant Guidelines referred to in section ??? of the Refugees Act, 1998, read together with its Regulations, relating to conditions of study of an asylum seeker and undertake to comply with the conditions of the visa and any amendments made thereto from time to time.
4. I confirm that the School acknowledges that it shall not enroll any asylum seeker without a valid asylum seeker visa or beyond the validity date of the asylum seeker visa.
5. The School undertakes to produce copies of a valid visa upon request by an authorized person.

<p><b>Name:</b> <b>Designation:</b> <b>Date:</b></p>  <p><b>Signature:</b></p>	<p>Enquiries: [<i>name and surname</i>]; Cell: Tel: Fax: E-mail: Our Ref (<i>student number</i>); Your Ref: (<i>asylum seeker visa number</i>) Address (physical address of school):</p>
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**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

Form 8 (DHA-1691)

**DECISION OF THE STANDING COMMITTEE FOR REFUGEE AFFAIRS**

Refugees Act, 1998 (Act No. 130 of 1998)  
[Section 24A(3)(b); Regulation 13(1)]

<b>Office:</b>			
<b>File Ref. No.</b>			
<b>Details of Refugee Status Determination Officer</b>	Name:		
	Surname:		
<b>Details of asylum Seeker</b>	Name:		
	Surname:		
	Date of birth:		
	Nationality:		
	Country of origin:		
<b>Documents considered:</b>		Yes	No
	DHA-1590		
	RSDO Hearing Notes		
	RSDO decision		
	Notice to Asylum Seeker		
	Representations		
<b>Summary of Asylum Seekers Claim</b>			
<b>Summary of RSDO Decision and Reasons for the Decision</b>			
<b>The case was decided by Refugee Status Determination Officer as:</b>	Manifestly Unfounded		
	Abusive		
	Fraudulent		
<b>Decision of the Standing Committee for Refugee Affairs</b>	RSDO decision referred back		
	RSDO decision confirmed		
	RSDO set aside		
	RSDO decision substituted as follows:		
	For the reasons set out in the RSDO decision, and/or		
	Other / additional reasons		

SIGNATURE: \_\_\_\_\_

MEMBER: STANDING COMMITTEE FOR REFUGEE AFFAIRS

DATE:



Republic of South Africa  
**REFUGEE APPEALS AUTHORITY**  
 7<sup>th</sup> Floor, City Centre Building, 266 Pretorius Street, Pretoria  
 Private Bag X 500, Pretoria. 0001  
 Tel : +27 12 316 9800 (International) (012) 316 9800 (Local)  
 Email: [Enquiries.Rab@dha.gov.za](mailto:Enquiries.Rab@dha.gov.za)

Address all correspondence to the Registrar

FORM 9 - RAA--01

FILE REF NO: \_\_\_\_\_

IN THE MATTER BETWEEN:

AND

APPELLANT

RESPONDENT

**NOTICE OF APPEAL**

PLEASE TAKE NOTICE that (the appellant) intends to appeal the decision of the Refugee Status Determination Officer (RSDO) rejecting his/her application for refugee status for an order in the following terms:

**(Please provide details of the order that you want the Refugee Appeals Authority to make.)**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TAKE NOTICE FURTHER that the affidavit of the appellant, annexed hereto, which sets out reasons for this appeal, will be used herein.

DATED at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

TO: THE REGISTRAR  
REFUGEE APPEAL BOARD

\_\_\_\_\_  
APPELLANT

AND  
TO: RESPONDENT



Republic of South Africa  
**REFUGEE APPEALS AUTHORITY**  
7<sup>th</sup> Floor, City Centre Building, 266 Pretorius Street, Pretoria  
Private Bag X 500, Pretoria. 0001  
Tel : +27 12 316 9800 (International) (012) 316 9800 (Local)  
Email: [Enquiries.Rab@dha.gov.za](mailto:Enquiries.Rab@dha.gov.za)

Address all correspondence to the Registrar

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**APPEAL AGAINST A DECISION BY THE REFUGEE STATUS DETERMINATION OFFICER (RSDO)**

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FILE REF NO \_\_\_\_\_

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(APPELLANT)

And

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(RESPONDENT)

I, the undersigned, do hereby make oath and say:

1. Background

1.1. Date of birth: \_\_\_\_\_

1.2. Gender: \_\_\_\_\_

1.3. Nationality: \_\_\_\_\_

1.4. Address in home country:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1.5. Marital status: \_\_\_\_\_

1.6. Contact details (Tel/ Mobile / Email): \_\_\_\_\_

1.7. Physical address (number and street, suburb, city and province)

\_\_\_\_\_  
\_\_\_\_\_

1.8. Name, address and telephone number of appellant's representative (if any)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Republic of South Africa  
**REFUGEE APPEALS AUTHORITY**  
 7<sup>th</sup> Floor, City Centre Building, 266 Pretorius Street, Pretoria  
 Private Bag X 500, Pretoria. 0001  
 Tel : +27 12 316 9800 (International) (012) 316 9800 (Local)  
 Email: [Enquiries.Rab@dha.gov.za](mailto:Enquiries.Rab@dha.gov.za)

Address all correspondence to the Registrar

2. Reasons why you disagree with the decision of the RSDO and all supporting documents:

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**NOTE: IF SPACE IS INSUFFICIENT PLEASE USE ADDITIONAL PAGE(S). ANY ADDITIONAL PAGE(S) MUST BE INITIALED BY THE APPELLANT AND THE COMMISSIONER.**

\_\_\_\_\_  
**DEPONENT**

Signed and sworn before me at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_  
the deponent having acknowledged that he knows and understands the contents of this affidavit, has no objection to taking  
the prescribed oath and considers the oath to be binding on his/her conscience.

\_\_\_\_\_  
**COMMISSIONER OF OATHS**



**REPUBLIC OF SOUTH AFRICA**

Form 10 (DHA 1693)

**DEPARTMENT: HOME AFFAIRS**  
Section 27 (a) of the Refugees Act No. 130 of 1998

XX  
(file number)



**CERTIFICATE OF RECOGNITION OF REFUGEE STATUS IN RSA**  
**PARTICULARS OF RECOGNISED REFUGEE IN THE RSA**

**FIRST NAME(S):**  
**SURNAME:**  
**GENDER:**  
**DATE OF BIRTH:**  
**COUNTRY OF ORIGIN:**  
**NATIONALITY:**  
**MARITAL STATUS**

It is hereby certified that the person whose particulars appear above has, in terms of section 24(3) (a) of the Refugees Act 1998 (Act 130 of 1998), been granted status as a refugee in the Republic of South Africa (RSA) until [ ] on condition that this certificate of recognition shall lapse if the holder fails to apply for the renewal of this certificate before the expiry date or departs permanently from the Republic.

**FURTHER CONDITIONS**

1. The holder of this certificate shall immediately upon receipt hereof apply for a refugee Identity Document in the RSA as contemplated in section 30 of the Refugees Act, 1998 (Act. 130 of 1998).
2. The holder of this certificate is required to submit representation in writing of intention to extend this visa 90 days prior to the expiry date at the designated Refugee Reception Office.
3. The Certificate of Recognition of Refugee Status in RSA shall be withdrawn if the holder has been convicted and sentenced for a criminal offence.
4. The holder may not depart the Republic without a valid Refugee Travel Document issued to him or her as contemplated in section 31 of the Refugees Act, 1998 (Act. 130 of 1998).
5. The holder must forthwith, in writing notify the Refugee Reception Office of any change to his or her residential address.
6. The holder ceases to qualify for refugee status under the circumstances mentioned in section 5 of Refugees Act, 1998 (Act No. 130 of 1998).
7. The Certificate of Recognition of Refugee Status in RSA shall be withdrawn if the holder has been recognised as a refugee erroneously as contemplated in section 36 of the Refugees Act, 1998 (Act. 130 of 1998).

.....  
**DIRECTOR – GENERAL**

.....  
**ISSUING OFFICE**

**DATE:**  
**DEPARTMENT OF HOME AFFAIRS**

**ORIGINALLY CAPTURED:**  
**DATE:**  
**DESIGNATED RRO:**

**PRINTED BY RSDO**  
**DATE:**  
**PLACE:**  
**SIGNATURE:**

**FINGERPRINT IMPRESSION**



**ORIGINALLY ISSUED IN:**

**NUMBER OF EXTESION:**

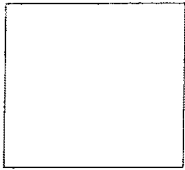
**RSOD SIGNATURE:**

**VISA HOLDER SIGNATURE:**

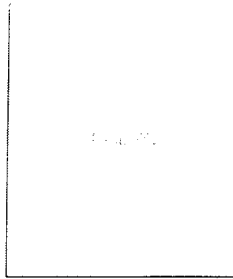




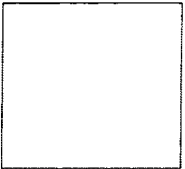
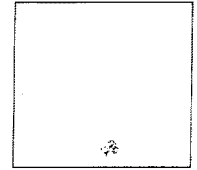
UMA-1b6/



LEFT SMALL



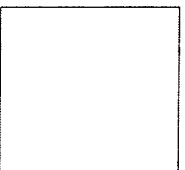
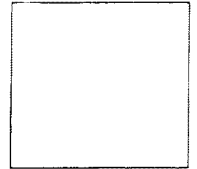
RIGHT SMALL



LEFT RING

# REFUGEE FIRST/ RE-ISSUE APPLICATION FOR AN IDENTITY CARD

RIGHT RING

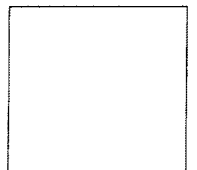


LEFT MIDDLE

DO NOT WRITE COPY

Fingerprints may only be taken by an official of the Department of Home Affairs. PLEASE NOTE: Should a finger be missing, deformed or so injured that the impression cannot be taken, this fact should be noted in the space provided for that impression.

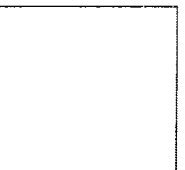
RIGHT MIDDLE



**FOR OFFICIAL USE:**

FINGERPRINTS TAKEN BY:  
(PLEASE PRINT)

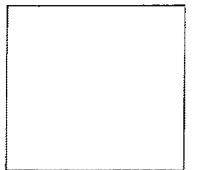
Persal No.



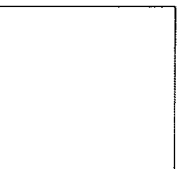
LEFT INDEX

APPLICANT  
(a) IDENTITY NUMBER:

RIGHT INDEX



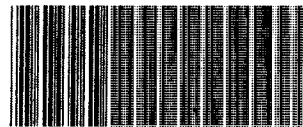
Ref No.



LEFT THUMB

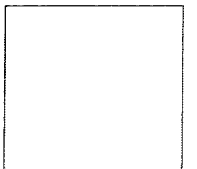
• REGISTERING FINGERS

LEFT HAND – RIGHT HAND  
NO. 1 NO. 2



\*08002600469\*

RIGHT THUMB



PLAIN PRINTS LEFT HAND

LEFT THUMB

RIGHT THUMB

PLAIN PRINTS RIGHT HAND

STAPLE  
HERE

STAPLE  
HERE

G.P.S. 017-9750

DHA-1705



**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA  
UMNYANGO WEZANGAPHAKATHI  
DEPARTMENT OF HOME AFFAIRS**

**FIRST/RE-ISSUE APPLICATION  
FOR DOCUMENT FOR TRAVEL PURPOSE  
FOR REFUGEE**

FOR OFFICIAL USE ONLY	
Date of Section 24 Issue	.....
Date of Section 24 expiry	.....
Lost Travel Document	<input type="checkbox"/> YES <input type="checkbox"/> NO
Officer's signature	.....
Personal Number	<input type="text"/>

The document must be collected at the Refugee Reception Office.

**A. PARTICULARS OF APPLICANT**

Section 24 file number

Surname	<input type="text"/>													
Forenames in full	<input type="text"/>													
Maiden surname(s)	<input type="text"/>													
Marital status:	Unmarried	<input type="checkbox"/>	Married	<input type="checkbox"/>	Widower	<input type="checkbox"/>	Widow	<input type="checkbox"/>	Divorced	<input type="checkbox"/>	Gender: Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
Date of birth	<input type="text"/>			Identity number	<input type="text"/>									
Country of birth	<input type="text"/>													
Country of Origin	<input type="text"/>													
Postal address	<input type="text"/>				Home Tel. No. and code	<input type="text"/>				Work Tel. No. and code	<input type="text"/>			
	<input type="text"/>				Cell No.	<input type="text"/>								
	<input type="text"/>					<input type="text"/>								

**B. FOR OFFICIAL USE ONLY - CERTIFICATION OF PARTICULARS (PLEASE PRINT)**

I, (Surname and forenames in full).....  
 designation (rank) ..... hereby certify that--

(a) The applicant appeared before me and produced the following means of identity.....  
 (b) The accompanying photos are a true image of the applicant and have been endorsed by me as prescribed; and  
 (c) The thumbprint below has been taken by me and belongs to the applicant. (delete if not applicable—thumbprint required only if the applicant is 16 years and older)

Date  Signed   
**Officer of the Department of Home Affairs/Person Authorised by DHA**

Address .....

SIGNATURE OF APPLICANT	PHOTO OF APPLICANT	LEFT THUMBPRINT OF THE APPLICANT/OR

DHA-1705

## INSTRUCTIONS AND INFORMATION

### 1. Important notes

- (a) South African travel facilities are granted in accordance with the South African Passports and Travel Documents Act, 1994 (Act No. 4 of 1994) and South African Passports and Travel Documents Regulations, 1996.
- (b) A Document for Travel Purposes may be issued to a person who has permanent residence status, but who cannot obtain a passport from his/her country of origin or is a stateless or refugee person lawfully residing in the country.
- (c) Husband, wife and children must complete separate application forms.
- (d) A Passport or Travel Document can only be issued to an applicant who is in possession of an identity number. Applicants must submit a certified copy of their identity documents along with their applicants for passports or travel documents. If not in possession of an identity document, an application must accompany the application for a passport or travel document.
- (e) A full set of fingerprints (or thumbprint, as the case may be) is required from all applicants 16 years and older. In addition to the applicant's left thumbprint on the front page hereof, a full set of fingerprints will be required if an applicant's fingerprints are not on the Home Affairs National Identification system yet.
- (f) A child will be issued with his/her own Travel Document. Please refer to paragraph C (page 2) regarding consent for a minor.
- (g) A recent photograph of the bearer of a child passport must be endorsed in the child passport if the photograph which currently appears in the child passport is no longer a true image of the bearer.
- (h) To ensure that the applicants receive their Travel Documents in time, they are advised to apply at least two months prior to their intended date of departure.
- (i) Applications must be lodged at Refugee Reception Officer of the Department of Home Affairs.

### 2. Prescribed fees

- (a) The fees for passports/travel documents are available on the Department of Home Affairs' website: [www.home-affairs.gov.za](http://www.home-affairs.gov.za) or at any Home Affairs office/South African foreign office. Fees are revised annually (April).
- (b) Fees are payable in cash upon submission of the application at a Home Affairs office.
- (c) The fees for a passport/travel document lost, damaged,

or stolen are double the normal fee, provided that if the loss, damage or theft was not due to the negligence of the passport holder, only the normal fee will be payable.

- (d) Passports/Travel Documents lost or stolen in South Africa must be reported to the SAPS immediately, a case number obtained at the nearest Home Affairs office. If lost or stolen outside South Africa, it must be reported to the nearest South African foreign office.

### 3. Photographs

- (a) Two recent, clear, unmounted photographs of the applicant (showing head and shoulders) measuring 35mm x 45mm must accompany the application. The certifying officer shall endorse the initials and surname of the applicant in block letters on the reverse side of one of the photographs and shall affix the second photograph to the appropriate space on the application form.

### 4. Validity

Child passport/Travel Document: Validity of the refugee status

Document for Travel Purposes:

Not exceeding one year from date of issue, but not beyond the validity status of the refugee permit

### 5. Documents and information which may be required

All information in the application is subject to verification and, if no proof in support thereof has been submitted upon application, the refugee status permit or any other document may be requested in order to substantiate any statement made in the application.

### 6. Vaccination requirements for international travel purposes

Persons who intend travelling are advised to contact the Department of Health, Private Bag X828, Pretoria, 0001 [Tel: (012) 312 0000], or any of that Department's Domestic Offices, prior to travelling, to obtain full particulars regarding vaccination requirements.

### 7. Visa and other requirements

Travellers are advised to check with the countries they intend visiting/transiting their visa and other requirements and ensure that they comply.

**C. CERTIFICATE OF CONSENT BY BOTH PARENTS OR GUARDIAN FOR A MINOR**

(a) I/We, the undersigned, consent to the issue of a Travel Document as applied for by my/our child (name of child)

\_\_\_\_\_

(d) For purposes of passport a minor means any person who has not yet attained the age of 18 years, excluding a person under the said age who—

Signature of father

ID No. \_\_\_\_\_

(i) has been declared a major under the age of Majority Act, 1972 (Act No. 57 of 1972)

(ii) has contracted a legal marriage; or

(iii) is legally emancipated.

Signature of mother

ID No. \_\_\_\_\_

(b) In the case of competent authority:

Signature of competent authority

ID No. \_\_\_\_\_

(c) In the case of guardianship:

Signature of guardian

ID No. \_\_\_\_\_

(e) **Consent:** Subject to the exceptions below, minors require the written consent of both their parents or guardians, as the case may be, before they may be granted Travel Documents. The required written consent by the parents or guardians must be given in the prescribed manner in the space provided adjacent hereto.

(f) **Exceptions:** If one of the parents is deceased, this fact must be stated. Where the consent is given by a guardian, the circumstances of the guardianship must be stated. If as a result of special circumstances (i.e. the absence of a parent), it is not possible to complete the certificate, written consent in some other form (e.g. a letter from the absent parent) will be accepted. If a parent (or guardian) refuses to give his/her consent a competent court may order otherwise. The relevant court order must accompany the Travel Document application in such an event. If parents are divorced, both parents' consent are required unless a competent court orders otherwise. If a parent or another person has been granted sole guardianship by a competent court, the consent of the other parent or the parents will not be necessary.

**D. DECLARATION**

I, \_\_\_\_\_ hereby declare that the information furnished above is to the best of my knowledge and belief correct and I concur that if I do not claim my Travel Document within three (3) months from date of issue, my Travel Document will be destroyed and I will forfeit my fee.

Date \_\_\_\_\_

\_\_\_\_\_ \*Signature \_\_\_\_\_ Place

\*(Signature of the applicant except where a father, mother or guardian signs on behalf of his/her minor child under the age of 18 years.)





REPUBLIC OF SOUTH AFRICA  
DEPARTMENT OF HOME AFFAIRS

Form 13

Refugees Act, 1998 (Act No. 130 of 1998  
(Regulation 20)

**NOTICE OF CHANGE OF ADDRESS**

The form must be completed in **BLACK INK** with **BLOCK LETTERS**.

**PARTICULARS OF AYLUM SEEKER / REFUGEE**

Asylum Seeker No. / Refugee No.	<input type="text"/>	<input type="text"/>	<input type="text"/>
Date of Birth	Y Y Y Y	M M M M M M M M M M	D D <i>(write month in full)</i>
Surname	<input type="text"/>		
Previous/Maiden surname	<input type="text"/>		
Forenames in full	<input type="text"/>		
Old Residential address: Street	<input type="text"/>		
Town/Village	<input type="text"/>		
Province	<input type="text"/>	Postal code	<input type="text"/>
Telephone no., incl. area code	<input type="text"/>	<input type="text"/>	
E-mail address	<input type="text"/>		

**NEW RESIDENTIAL ADDRESS**

Residential address: Street	<input type="text"/>		
Town/Village	<input type="text"/>		
Province	<input type="text"/>	Postal code	<input type="text"/>
Telephone no., incl. area code	<input type="text"/>	Cell phone no.	<input type="text"/>
E-mail address	<input type="text"/>		

**NEW WORK ADDRESS (IF APPLICABLE)**

Business / Work address: Street	<input type="text"/>		
Town/Village	<input type="text"/>		
Province	<input type="text"/>	Postal code	<input type="text"/>
Telephone no., incl. area code	<input type="text"/>	Cell phone no.	<input type="text"/>
E-mail address	<input type="text"/>		
Address of place of study	<input type="text"/>		
Tel. No. of School	<input type="text"/>	Postal code	<input type="text"/>
E-mail address of School	<input type="text"/>		



Form 14

**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**APPLICATION TO BE ALLOWED TO REMAIN IN THE REPUBLIC AFTER TERMINATION OF DEPENDANCY**  
**Refugees Act, 1998 (Act No. 130 of 1998)**  
[Section 21B(4) and (4); Regulation 2(6) and (2)]

**NOTE:**

1. The applicant must provide proof, where possible.
2. Additional paper may be used, if the space provided in this Form is not sufficient.

**A. PERSONAL PARTICULARS OF THE APPLICANT**

Surname:			
Names:			
Date of Birth:		Age	
Sex: <i>(write in full)</i>			
Nationality:		Previous nationality, if any	
Place of Birth:		Country of Birth	
File Number:			
Refugee Identity No:			
Contact Details:	Residential Address		
	Tel No.		
	Cell		
	Email		
Marital Status:	Single	Married	Divorced
			Widow/Widower
File Number:			

**B. CRIMINAL RECORDS** *(Please provide police clearance)*

Do you have any previous criminal convictions? Yes or No			
If yes, specify the following:			
Have you served a prison term or paid a fine or appealed your conviction?	Yes	No	
Date of conviction:			
Type of offence:			
Name of the court:			
Type of sentence handed down:			
Nature of crime/offence committed:			



Form 14

**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**APPLICATION TO BE ALLOWED TO REMAIN IN THE REPUBLIC AFTER TERMINATION OF DEPENDANCY**  
**Refugees Act, 1998 (Act No. 130 of 1998)**  
[Section 21B(4) and (4); Regulation 2(6) and (2)]

**C. TRAVEL HISTORY**

Are you in possession of your passport / travel document / Identity Document from your country of origin? <i>(Please indicate what is applicable)</i>			
Issued by the United Nations? <i>(Yes / No)</i>			
Since you have been recognized as a refugee in RSA, have you ever travelled abroad?	Yes		No
If Yes, please provide details of travels abroad. <i>(use separate page to add more details)</i>			
Date (Arrival – Departure)	Country	Purpose of travel	

**D. DETAILS OF PERSON ON WHOM APPLICANT WAS DEPENDENT ON**

Full Names:			
Date of birth:			
Nationality:		Country of birth:	
Contact details:	Physical Address		
	Tel No.		
	Cell		
	Email		
Death / Marriage certificate, Divorce order or Termination affidavit for spousal relationship produced?	Yes / No _____		

I .....whose particulars appear above, in terms of regulation 2(2) hereby apply to be allowed to continue to remain in the Republic for a period coinciding with the remaining period of my certificate of recognition of refugee status. I was granted a derivative status as refugee in the Republic of South Africa, based on my claim in terms of sections 3 (c) of the Refugees Act, 1998 (Act 130 of 1998). Subsequently, I was issued with the certificate for recognition in terms of been of sections 24 (3) (a) of the Refugees Act, 1998.

**E. REASONS FOR TERMINATION OF DEPENDANCY**

State the reason for termination of dependency (provide proof, where applicable):

*Mark with X, whichever is applicable:*

- (a) Death of person mentioned under section D: \_\_\_\_\_ *(attach copy of death certificate)*  
 (b) Divorce from person mentioned under section D: \_\_\_\_\_ *(attach copy of divorce order)*  
 (c) Affidavit on termination of spousal relationship: \_\_\_\_\_ *(attach affidavit)*  
 (d) Attained independence from parent and is no longer a minor: \_\_\_\_\_ *(attach copy of identity document or marriage certificate)*





Form 14

**DEPARTMENT: HOME AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

**APPLICATION TO BE ALLOWED TO REMAIN IN THE REPUBLIC AFTER TERMINATION OF DEPENDANCY**  
**Refugees Act, 1998 (Act No. 130 of 1998)**  
[Section 21B(4) and (4); Regulation 2(6) and (2)]

**F. APPLICANT'S CURRENT DEPENDANTS (Attach copy of birth certificate)**

Name	Date of birth	Relationship	Place of birth (attach copy of birth certificate or ID)

Are these dependents your biological children or parents? Yes or No: .....

If No please explain: .....

**G. DECLARATION BY THE APPLICANT**

I, ....., have submitted to the fact that the above information is to the best of my knowledge true and correct.

**Signature:** ..... **Place:** ..... **Date:** .....

**H. INTERPRETER**

Interpretation UCID Number: <i>(If none complete details below)</i>			
Name of Interpreter		Contact Number:	
Qualification:		Institute:	

**I. FOR OFFICE USE ONLY**

**Documents submitted:**

- \_\_\_\_\_ Birth Certificate
- \_\_\_\_\_ Identity Document
- \_\_\_\_\_ Marriage Certificate
- \_\_\_\_\_ Death Certificate
- \_\_\_\_\_ Divorce order
- \_\_\_\_\_ Affidavit on termination of spousal relationship
- \_\_\_\_\_ Affidavit or other documents

**Decision by Refugee Status Determination Officer:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Persal:** \_\_\_\_\_